

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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NATHANIEL JACKSON,

Petitioner,

vs.

MARC C. HOUK,

Respondent.  
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CASE NO. 4:07CV00880

ORDER  
[Resolving Doc. [63](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Petitioner Nathaniel Jackson originally filed this habeas corpus action on October 31, 2007.<sup>1</sup> On March 20, 2008, he filed a Motion for Stay and Abeyance, indicating he had filed an appeal before the Ohio Eleventh District Court of Appeals of the trial court's denial of his post-conviction relief petition.<sup>2</sup> He had also filed a motion for a new sentencing hearing before the trial court.<sup>3</sup> The case was therefore stayed on April 18, 2008 pending exhaustion of Jackson's state court remedies, with the understanding Jackson would notify this Court upon exhaustion of those remedies so the stay could be lifted.<sup>4</sup>

On March 2, 2018, Jackson filed the instant motion for leave to file an amended petition for writ of habeas corpus, indicating he had exhausted his state court remedies.<sup>5</sup> Respondent filed a brief in response indicating petitioner's proposed amended petition should be considered a first-in-time habeas petition.<sup>6</sup>

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<sup>1</sup> Doc. [14](#).

<sup>2</sup> Doc. [28](#) at 2.

<sup>3</sup> *Id.* at 3.

<sup>4</sup> Doc. [33](#).

<sup>5</sup> Docs. [63](#), [64](#), and [65](#).

<sup>6</sup> Doc. [66](#).

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The Court finds respondent's recommendation well taken, reopens this action, and construes petitioner's pleadings as a first habeas petition. The parties shall confer and provide the Court with a proposed scheduling order by **March 30, 2018**.

IT IS SO ORDERED.

Dated: March 15, 2018

s/ *James S. Gwin*  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE